

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
(NORTHERN DIVISION)

FILED - MQ

May 21, 2021 10:37 AM

CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: mlc SCANNED BY: WJalal

MICHAEL MCREYNOLDS,
Plaintiff,

Case No: _____

v.

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an exact copy of the original as submitted to the
Clerk's Office. The original has not been retained.**

Complaint And
Jury Demand

Rebecca Horrocks-PC,
Erica Huss-Warden,
Defendant(s).

2:21-cv-104

Janet T. Neff - U.S. District Judge
Maarten Vermaat - Magistrate Judge

JURISDICTION:

This is a civil action authorized by 42 U.S.C. § 1983, to redress the deprivation under the color of law of rights secured by the Constitution of the United States. This Court has jurisdiction under 28 U.S.C. §§ 1351 and 1343 (a)(3).

PREVIOUS LAWSUITS:

This Plaintiff has no prior or current civil actions, pending before this Court between these parties:

PARTIES:

Plaintiff

Michael McReynolds
#919991
Marquette Branch Prison
1960 U.S. Highway 41 South
Marquette, Michigan 49855

Defendant:

Defendant(s) are being sued in their individual capacities:

(D)(1)- Rebecca Horrocks- PC
Marquette Branch Prison
1960 U.S. Hwy 41. South
Marquette, Michigan 49855

(D)(2)- Erica Huss-Warden
Marquette Branch Prison
1960 U.S. Hwy 41. South
Marquette, Michigan 49855

STATEMENT OF CLAIMS:

Plaintiff-McReynolds claims that PC Rebecca Horrocks, and Warden Erica Huss have violated the Eighth Amendment to the United States Constitution. As both Defendants have been Deliberately Indifferent towards this Plaintiff contracting the COVID-19 Virus. Plaintiff-McReynolds claims that PC Rebecca Horrocks has violated the First Amendment to the United States Constitution. By Retaliating against this Plaintiff for making verbal complaints, and filing grievances against her and her colleagues.

STATEMENT OF FACTS:

1.) After a Unit disturbance in Neebish Unit, at the Chippewa Correctional Facility "UCF".

2.) The Prisoner, who shall be referred herein after as the "Plaintiff", was transferred upstate to Marquette Branch Prison.

3.) The Prisoners who participated in the Neebish disturbance, was held in administrative segregation.

4.) Plaintiff-McReynolds, was not part of the Neebish disturbance. But was held in the same unit at Marquette. "C-Unit."

5.) This Neebish disturbance took place on September 13, 2020. This Plaintiff and 39 other inmates were transferred to Marquette Branch Prison the following day.

6.) Upon arrival at the facility, Warden Erica Huss, who shall be referred herein after as Defendant-Huss. Told the inmates that COVID-19 testing would be started on Thursday, September 17, 2020.

7.) However, just two (2) days later on September 19, 2020. An Inmate (Harrison), became sick inside the Unit. He was quarantined nearly (8) days, but then returned to the Unit.

8.) Plaintiff claims that half of "C"-Unit was general population. Which the other half of the unit was classified to administrative segregation.

9.) On Thursday October 1, 2020, as this Plaintiff was classified to general population in "C"-Unit. The third mass testing was done in "C"-Unit.

10.) The majority of inmates in Ad. Seg refused their tests. While this Plaintiff did take the COVID-19 test.

11.) Plaintiff spoke with PC-Horrocks, on October 5, 2020, who shall be referred herein after, as Defendant-Horrocks.

12.) Plaintiff stated, "Why am I being housed with inmates who are on quarantine status.".

13.) Defendant-Horrocks, stated, "You were brought up here as part of an incident that took place at the Chippewa Facility.".

14.) Plaintiff stated, "But inmates are being confirmed positive for the COVID-19 Virus.".

15.) Plaintiff further stated, "I'm being housed with positive inmates", "In an open bar setting, and not to mention the Unit fan is left on all day.".

16.) Defendant-Horrocks, stated, "This is being ran by higher - ups, there is nothing I can do about it.".

17.) Plaintiff stated, "You will just leave me here?" "Doesn't the D.O.M. instruct that negative inmates will be separated from the positive inmates?".

18.) Defendant-Horrocks, stated, "This is the part where I tell you to file a grievance.".

19.) Plaintiff claim that Defendant-Horrocks walked off without any further comments.

20.) Plaintiff filed a grievance, which received a grievance identifier number: MBP-20-10-1284-27R: Which was exhausted on March 31, 2021. [See Step I Grievance, dated received 10-12-2020, under Appendix (A)].

- 21.) Around October 6, 2020, Inmate Harrison, who was returned to "C" Unit, was found non-responsive in his cell. And later confirmed positive with the COVID-19 Virus.
- 22.) Plaintiff claims around the same time, Inmate Wade #840242, and Maghee #867163, were confirmed positive, and was left in "C" Unit for over (72) hours.
- 23.) Plaintiff-McReynolds, claims that on October 9, 2020. Plaintiff spoke with Defendant-Horrocks.
- 24.) Plaintiff stated, "I see those inmates who were recently confirmed for the COVID Virus, some are being transferred", "But, why I'm still being left here."
- 25.) Defendant-Horrocks, abruptly stated, "Did I not tell you to file a grievance."
- 26.) Plaintiff stated, "That I have already done", "But that doesn't change the fact that the D.O.M says I'm to be separated from the inmates who are positive with the COVID-19 Virus."
- 27.) Defendant-Horrocks, stated, "Like I keep telling you, Mr. McReynolds, that is what grievances are for."
- 28.) Plaintiff claims the very next day, on October 10, 2020, around 7:30pm, inmates who were confirmed positive for the COVID-19 Virus, who were from different units, were placed in "C" Unit.
- 29.) Plaintiff-McReynolds, claims "48" hours later on October 12, 2020. A register nurse told this Plaintiff that I had tested positive for the COVID-19 Virus.
- 30.) Plaintiff filed another grievance identifier number: MBP/20-10-1395-27B: Which was exhausted on March 31, 2021. [See Step I Grievance Dated Received 10-22-2020, Under Appendix (B)]
- 31.) Plaintiff-McReynolds, claims on October 13, 2020. Plaintiff again spoke with Defendant-Horrocks.
- 32.) Plaintiff stated, now that I'm confirmed positive for the virus. I'm on L.O.P., can you contact my family, my emergency contact?.
- 33.) Defendant-Horrocks stated, "For what reason would I do that."
- 34.) Plaintiff stated, "For the reason of informing my family, like the kite I just handed you says."
- 35.) Defendant-Horrocks stated, "Where do you think you are at?", "You have filed two grievances against me," "And now you want me to contact your family." "What!" "Why don't

you do it?".

36.) Plaintiff stated, "I'm on L.O.P., you have turned my phone and JPay off."

37.) Defendant-Horrocks stated, "You have been complaining since day one." "Maybe you should have thought about that beforehand."

38.) Plaintiff stated: Per Policy and DOM. I get one phone per week, because of the current pandemic, and my JPay Mail is brought to me." "So why are they off?".

39.) Defendant-Horrocks stated, "They are off because you are on L.O.P., and they are privileges" "These are the things you should have thought about before you file grievances Mr. McReynolds."

40.) Plaintiff stated, "So because I have filed grievances, and..."

41.) Defendant-Horrocks stated, "And you are on L.O.P., you know what I'm about to say." "File a grievance."

42.) Plaintiff-McReynolds filed yet another grievance, which received a grievance identifier number: MBP/20-10-1492-17Z. Which was exhausted on March 3, 2021. [See Step I Grievance Dated Received 10-24-2020, Under Appendix (C)].

43.) Plaintiff, ten (10) days later, spoke with Defendant-Huss, while making a round in "C" Unit.

44.) Plaintiff stated, "Why would you allow me to be housed in a COVID quarantine unit, back when I was negative."

45.) Defendant-Huss stated, "It wouldn't have mattered, if I would have moved you, because the whole facility was infected." "You was bound to catch the virus anyway."

46.) Plaintiff stated, "So you just left me around other inmates who were positive for the virus." "And that is your reasoning."

47.) Defendant-Huss stated, "The COVID virus is just like the flu, you will be fine."

48.) Plaintiff stated, "I don't understand why this is not being handled seriously."

49.) Defendant-Huss stated, "Logistically, I can't ride you all down state, "Just because you catch COVID."

50.) Plaintiff stated, "O.k.", "But you could have separated me, from the people who had contracted the Covid Virus."

51.) Defendant-Huss stated, "And put you where- Mr. McReynolds."

52.) Plaintiff stated, "So just leave me here until I catch the virus, and see what happens.".

53.) Defendant-Huss stated, "Pretty much" ... and walked off.

54.) Plaintiff grieved this matter at step II under grievance: MBP/20-10-1350-27B. Exhausted on February 25, 2021. [See Step II Grievance Dated received 11-2-2020, Under Appendix (D)].

Cause of Action (I):
Eighth Amendment Constitutional Violation
"Deliberate Indifference"

A) Objective Component:

55.) Plaintiff claims that the COVID-19 Virus poses a significant risk to this Plaintiff's health.

56.) Plaintiff claims that the threat of COVID-19 Virus is widely known.

B) Subjective Component:

57.) Plaintiff claims that Defendant(s) Horrocks and Huss are aware of the seriousness of the COVID-19 Virus as the risk is obvious.

58.) Plaintiff claims that Defendant(s) Horrocks and Huss, knew or should have known that placing positive inmates with the COVID-19 Virus, around this Plaintiff was directly exposing this Plaintiff to the deadly virus.

59.) Plaintiff claims that Defendant(s) Horrocks and Huss, did not respond reasonably. As the Defendant(s) did not quarantine or isolate the positive inmates from the negative inmates. Exposing this Plaintiff directly to the COVID-19 Virus.

60.) Plaintiff claims that Defendant(s) Horrocks and Huss, did not respond reasonably. As Defendant(s) left or failed to transfer out the positive inmates, after they were confirmed positive with the COVID-19 Virus.

61.) Plaintiff claims that Defendant(s) Horrocks and Huss, did not respond reasonably. As Defendant(s) transferred in "C-Unit" other inmates from around the Compound who were positive with COVID-19 Virus. Again, directly exposing this Plaintiff to the COVID-19 Virus.

62.) Plaintiff claims that Defendant(s) Horrocks and Huss, did not respond reasonably. As the Defendant(s) did not follow the DDM 2020-30RY "Quarantine and Com of Sick Prisoners.

Cause of Action (II):
First Amendment Constitutional Violation
"Retaliation"

A) Protected Conduct:

63.) Plaintiff claims that he was engaged in protected conduct, i.e., filing grievances, and making verbal complaints.

B) Adverse Actions:

64.) Plaintiff claims that Defendant-Horrocks, took the following adverse action. That is Defendant-Horrocks turned off Plaintiff's phone, and JPay devices.

C) Proximity:

65.) Plaintiff claims that while engaged in the protected conduct. The adverse action of Defendant-Horrocks, was done in direct response.

66.) Plaintiff claims that the actions of Defendant-Horrocks, was design to deter and punish this Plaintiff for utilizing the grievance process and for making verbal complaints.

Relief Requested:

Wherefore, Plaintiff-McReynolds, respectfully requests that this Court enter Judgment:

67.) Granting Plaintiff Comensatory Damages from both Defendant(s) Horrocks and Huss, for violating Plaintiff's Eighth Amendment Constitutional Rights jointly and severally in the amount that excess \$50,000.00.

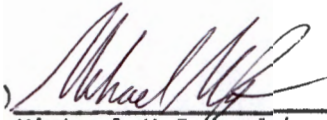
68.) Granting Plaintiff Compensatory Damages from Defendant-Horrocks, for violating Plaintiff's First Amendment Constitutional Rights in an amount that excess \$25,000.00.

69.) A Jury Trial on all issues triable by a jury.

70.) Plaintiff's Cost in this suit.

71.) Any relief this Court deems, just, proper, and equitable on Plaintiff's behalf.

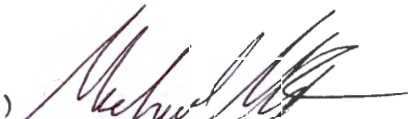
Dated: 5/19/2021

(s) 
Michael McReynolds

Verification

I, Michael McReynolds, declare and state under the penalty of perjury to 28 U.S.C. § 1746, that the above statements are true and correct.

Dated: 5/19/2021

(s) 
Michael McReynolds

Michael McReynolds

819981

Marquette Branch Prison

1960 U.S. Hwy. 41 South

Marquette, Michigan 49855

United
202 W
P.O. B
Marquette



States District Court
Washington St.

Box 698

Attle, Michigan 49855